

REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks.

In accordance with 37 C.F.R. § 1.173(c), as of the date of this amendment, claims 27, 33-37, 48, 52, 58-60, 64, 65, 73, 79-83, 92, 93, 97, 103-105, 109, 110, 173-175, 181-189, and 195-201 are canceled, and claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-172, 176-180, 190-194, and 202-205 are pending.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-160, 162-172, 176-180, and 190-194.

The preamble of claims 22, 51, 68, 96, 113, 114, 117, 129, 165-172, 176, 179, 190, and 193 has been amended to improve the form of the claims.

The Examiner objected to claims 36, 37, 82, and 83 for failing to further limit the subject matter of a previous claim. To expedite prosecution of this application, Applicant has canceled claims 36, 37, 82, and 83, without prejudice or disclaimer.

The Examiner rejected claim 161 under 35 U.S.C. § 112, contending that there is no basis in the original disclosure for the step of deforming the blood vessel because the specification defines "deformed" as subjecting the material from which the graft 100 is made "to a force . . . greater than the elastic limit of the material." (U.S. Patent No. 5,556,414, col. 8, lines 46-50.) Applicant has amended claim 161 to replace "deforming" the blood vessel with "expanding" the blood vessel. This amendment is supported by the specification at, for example, col. 8., lines 1-12.

The Examiner rejected claims 33-37, 48, 58-60, 64, 65, 79-83, 92, 93, 103-105, 109, 110, 173-175, 181-189, and 195-201 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,693,085 (Buirge). To expedite prosecution of this application, this Amendment cancels those claims without prejudice or disclaimer.

Applicant has added claims 202-205. Those claims are similar to allowed claims 22, 68, 165, and 167, respectively, except in the new claims the phrase "for insertion into a body" has been removed from the preamble and the phrase "when the assembly is inserted in a body" has been added to the body of the claim. The new claims are believed to be patentable.

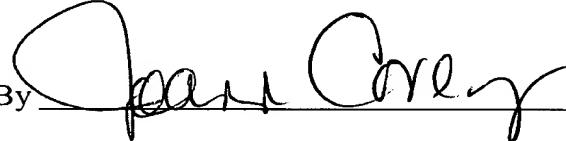
CONCLUSION

For the aforementioned reasons, claims 1-26, 28-32, 38-47, 49-51, 53-57, 61-63, 66-72, 74-78, 84-91, 94-96, 98-102, 106-108, 111-172, 176-180, 190-194, and 202-205 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12 | 15 | 03

By 

Customer Number: 22428
FOLEY & LARDNER
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5143

Joann K. Corey
Registration No. 52,769
Agent for Applicant

Telephone: (202) 672-5300
Facsimile: (202) 672-5399